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ATTORNEY FOR JUAN AND EMIGDIA SILVA

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

IN RE:

CASE NO. 09-43881-DML-13

JUAN JOSE SILVA

CHAPTER 13

EMIGDIA CISNEROS SILVA

DEBTORS

JUDGE D. MICHAEL LYNN

**DEBTOR'S MODIFICATION OF CHAPTER 13 PLAN AFTER CONFIRMATION**  
**DATE: OCTOBER 8, 2012**

TO THE HONORABLE BANKRUPTCY JUDGE:

Pursuant to 11 USC 1329 the Debtor requests the following modification(s) to the Debtor's original or last modified Chapter 13 plan:

**History of Case**

PETITION DATE: July 1, 2009  
341 DATE: August 11, 2009  
CONFIRMATION DATE: January 5, 2010

TOTAL PAID IN: \$36,430.00  
OLD PLAN BASE: \$50,430.00

**Changes to Trustee Payments**

Change monthly payment amount from \$720.00 per month to the following: \$380.00 per month for 20 months.

NEW PLAN BASE AMOUNT \$44,030.00

**Changes to Payments to Creditors**

Change treatment of the following claim(s):

| Name                 | Collateral | Treatment  | Claim No.   | Sched. Class | Claim Amount | Amount      | %Rate | Value        |
|----------------------|------------|------------|-------------|--------------|--------------|-------------|-------|--------------|
| FROM:                |            |            |             |              |              |             |       |              |
| JP Morgan Chase Bank | Homestead  | Pro-Rata   | 5 (Tee #40) | S            | \$18,880.00  | \$16,605.70 | N/A   | \$144,730.00 |
| TO:                  |            |            |             |              |              |             |       |              |
| JP Morgan Chase Bank | Homestead  | Pay Direct | 5 (Tee #40) | S            | \$18,880.00  | \$16,605.70 | N/A   | \$144,730.00 |

The automatic stay shall be lifted and the Trustee shall case disbursement on account of any surrendered collateral as indicated above, without further order of the Court as of the date of filing hereof, pursuant to Paragraph 4e of General Order 2006-8.

**Distribution to Unsecured Creditors**

To the extent the Base Amount exceeds the amount needed to pay all allowed Secured, Priority and Administrative Claims in full, such excess shall be paid pro-rata to timely filed allowed non-penalty general unsecured claims up to 100%, with any remaining balance refunded to Debtors.

**Reason for Modifications**

- X   (1) To cure plan arrears to the Trustee, if any.  
      (2) To provide or modify treatment for Secured, Priority or Unsecured claim not previously provided for.  
      (3) To make plan sufficient (based on allowed claims).  
      (4) To modify the Unsecured Creditors' Pool from \$\_\_\_\_\_ to \$\_\_\_\_\_.  
      (5) To set aside any pending interlocutory order.  
  X   (6) Other: *to change JP Morgan Chase Bank from pro-rata to pay direct since Chase has stopped taking payments from the Trustee on this loan.*

All other provisions as set forth in the last confirmed plan remain the same.

**Debtor's attorney fee for this modification**

Total amount of \$400.00, of which \$400.00 will be paid through the plan by the Trustee pro rata, after payment of specified monthly payments and before any other pro rata payments.

All other provisions as set forth in the last confirmed plan remain the same.

Date: October 8, 2012

/s/ Mark B. French

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